

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**FEDERAL LAW ENFORCEMENT
OFFICERS ASSOCIATION, NEW
JERSEY FRATERNAL ORDER OF
POLICE, RICHARD BOWEN,
JOSEPH JAKUBIEC, and
CHRISTOPHER MARTINEZ,**

Plaintiffs,

v.

**MATTHEW J. PLATKIN, in his
official capacity as Attorney General of
the State of New Jersey, and PATRICK
J. CALLAHAN, in his official capacity
as Superintendent of the New Jersey
State Police,**

Defendants.

**CIVIL ACTION NO. 3:20-cv-
05762-ZNQ-TJB**

**AMENDED CONSENT ORDER FOR ENTRY OF FINAL JUDGMENT ON AN AWARD
OF REASONABLE ATTORNEY'S FEES AND COSTS**

WHEREAS, the above-named Plaintiffs, through their counsel Blank Rome LLP, commenced this action against the above-named defendants, represented by Matthew J. Platkin, Attorney General of New Jersey and, *inter alia*, Nathaniel I. Levy, Deputy Attorney General, appearing, under 28 U.S.C. § 2201 and 42 U.S.C. § 1983 to challenge New Jersey’s law regulating the concealed carry of firearms by retired law enforcement officers, N.J. Stat. Ann. § 2C:39-6*l* (“RPO Law”), on the ground that it is preempted by the Federal Law Enforcement Officers Safety Act of 2004, 18 U.S.C. § 926C (“LEOSA”) and that LEOSA creates an enforceable right under 42 U.S.C. § 1983 to carry a concealed firearm if an individual is “qualified” and carrying “identification” as set forth in LEOSA;

WHEREAS, on June 21, 2022, this Court issued an opinion and order finding a § 1983 right to carry for retired officers under LEOSA, declaring that LEOSA preempts the RPO Law on an as-applied basis, and enjoining enforcement of the RPO Law against individuals entitled to carry firearms under LEOSA, regardless of their residence or the agency from which they retired;

WHEREAS, on February 14, 2024, the United States Court of Appeals for the Third Circuit issued an opinion affirming this Court’s order;

WHEREAS, the mandate of the United States Court of Appeals for the Third Circuit issued on March 7, 2024;

WHEREAS, Plaintiffs seek reasonable counsel fees and costs pursuant to 42 U.S.C. § 1988, and this Court having previously found that Plaintiffs are prevailing parties within the meaning of that statute;

WHEREAS, this Court finding that the fees and costs set forth below are reasonable, and all parties having consented and stipulated to the entry of the within order, and for good cause shown:

IT IS, on this ____ day of **March 2024**, **HEREBY ORDERED** as follows:

1. The State of New Jersey, on behalf of Defendants Matthew J. Platkin and Patrick J. Callahan (“State Defendants”)—being sued solely in their official capacities as State officials, and not in their individual capacity—shall pay to Plaintiffs’ Counsel the amount of \$552,318.24. This amount represents the sum of \$550,438.67 in attorney’s fees and \$1,879.57 in costs. This sum represents full payment for any and all fees and costs, pursuant to 42 U.S.C. § 1988, that any and all Plaintiffs are entitled to as to any and all State Defendants in this matter.

a. Payment of attorney’s fees and costs will be processed by the State of New Jersey and made only after State Defendants’ counsel receives necessary paperwork for processing, which shall include:

- i. Completed State of New Jersey W-9(s);
- ii. State of New Jersey Vendor Invoices and/or signed vouchers from Plaintiffs’ Counsel;

iii. Registration through the New Jersey Treasury to the extent necessary for the Treasury to process payment.

b. The State of New Jersey shall make payment of attorney's fees and costs as soon as practicable after the Effective Date of this Order, and only following receipt of the necessary paperwork for processing. Should payment not be made within 90 days following receipt of the necessary paperwork for processing, Counsel for Plaintiffs and State Defendants may seek the assistance of the Court. Payment will be made in full by check to "Blank Rome LLP, Attorney Trust Account."

2. This Order resolves any and all claims for attorney's fees and costs, pursuant to 42 U.S.C. § 1988, against the Defendants in this matter.

3. For the avoidance of any doubt, this Order does not affect this Court's June 21, 2022, opinion and order, or the United States Court of Appeals for the Third Circuit's February 14, 2024, opinion affirming this Court's order.

We agree to the form and entry of this Order:

BLANK ROME LLP
Attorneys for Plaintiffs

/s/ Nicholas C. Harbist
By: Nicholas C. Harbist

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY

/s/ Nathaniel I. Levy
By: Nathaniel Levy
Deputy Attorney General

The Clerk of Court shall close this case.

SO ORDERED.

 3/28/2024

Hon. Zahid N. Quraishi, U.S.D.J.
United States District Court for the District of New Jersey